

REMARKS

Claims 14-30 are rejected under 35 U.S.C. 112, second paragraph. Specifically, the Examiner takes issue with the following claim limitations of independent claims 14, 22, and 30:

if no mapping between the destination MAC address and port exists, then until a reply is received from a port associated with the destination MAC address, iteratively:
 performing broadcast flooding of packets for a first predetermined time period; and
 ceasing broadcast flooding of packets for a second predetermined time period.

Applicant respectfully submits that Examiner's characterization of the meaning of the word "iteratively" as meaning one repetition at best. As is known in the art, a loop of instructions as executed by a computer often executes a loop, that is, iterative or repeated execution of a series of instructions. Common loops include while loops, do until loops (or simply do loops). In the case of all loops, a condition controls the execution of the loop. The sequence of instructions loop or repeat an unknown number of iterations.

The independent claims 14, 22, and 30, using the claimed language reproduced above, set forth in plain terms the essence of a loop that specifies to repeat iteratively (iteratively meaning the sequence of instructions, rather than repeating only one instruction in the sequence) until the condition is met. In the present application, as claimed, the condition is met when a reply is received from a port associated with the destination MAC address. The sequence of two steps is repeated - first performing broadcast flooding, then refraining from performing broadcast flooding. Attention is directed also to the preamble of claim 14, which reads "*[a] method for controlling flooding in a bridged network having a bridge connected to a plurality of networks*

Applicant submits that the wording in the preamble of "controlling flooding" with the word "iteratively" before a colon of indented paragraphs, one for each instruction in the loop sequence of instructions, also indicates repetition of instructions as this is a commonly-accepted form for submitting claims having loops to the Patent Office.

Claims 14-30 (all pending claims) are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US Patent 6,310,874 B1, "Miller") in view of Li et al. (US Patent 6,535,507, "Li"). Claims 14-30 more accurately characterize the present invention as controlling the flooding of packets in bridged networks by looking for an association between a destination MAC address and a port, and if no port is found to be associated with the destination MAC address, then *iteratively flooding for a first predetermined time and disallowing flooding for a second predetermined time* until a port replies that it is associated with the destination MAC address. Applicant thanks the Examiner for clearly stating that Miller contains no such limitation.

Applicant submits that Li also fails to disclose the limitation of *iteratively flooding for a first predetermined time and disallowing flooding for a second predetermined time*. If the Examiner wishes to argue that simply by allowing a period for message forwarding necessarily means flooding, Applicant respectfully submits that in order to support an anticipation rejection based on inherency, an Examiner must provide factual and technical grounds establishing that the inherent feature necessarily flows from the teachings of the prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int. 1990); *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (holding that inherency must flow as a necessary conclusion from the prior art, not simply a possible one). Applicants submit that the Examiner has not made a *prima facie* case of anticipation of present claims 14-30 based on inherency.

Applicant again asserts that the Examiner has failed to make a prima facie showing of obviousness. The third requirement of an obviousness rejection under 35 USC 103(a) as explicitly stated in MPEP 2143, that the prior art references must teach or suggest all the claim limitations. If the Examiner wishes to argue that a sequence of iteration as claimed in the present application is disclosed by Li, Applicant requests Examiner to clearly indicate where in Li where such indication can be found.

The Examiner stated that Li teaches a time-out clock when messages are forwarded at col. 14, line 54, that is for a first predetermined time period and also that Li teaches a delay clock for preventing flooding for the second predetermined period at col. 10 lines 42-46.

Applicant respectfully traverses this reasoning. Directing attention to Li at col. 14, line 50, Li reads:

Starting a time-out clock when the query message is forwarded, and releasing the call back to STM facilities if a response to the query message is not received before the time-out clock has expired.

This statement by Li is not the same as flooding for a predetermined interval and then preventing flooding for a predetermined interval. Rather, Li is specifically describing what happens in the case of handling one message (the query message) and does not describe two periods. Li merely describes setting a timer and releasing the call to STM facilities if a response to the sent message is not received before expiration of the timer. In contrast, the present invention again focuses on a sequence of instructions, namely allowing flooding for a period followed by preventing flooding on the network for a period. The independent claims do not read on any particular handling for individual messages, as does this statement by Li.

Even if Miller and Li could be modified to perform in the manner stated by the Examiner, The Examiner has provided no motivation to do so as required by case law and the MPEP. See MPEP §2143. If the Examiner is claiming that such motivation would be commonly known in the art, Applicants challenge this assertion and demand evidence proving this as is required under §2144.03 of the MPEP. Otherwise, the rejection cannot be maintained.

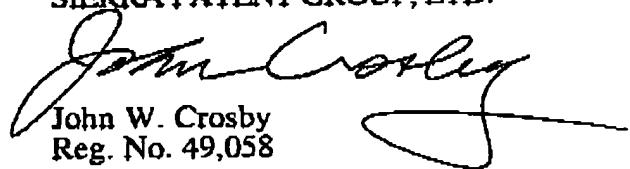
Applicant respectfully asserts that all pending claims are currently patentable and requests Examiner to place the present application in condition for allowance. If there are any matters the Examiner feels may be resolved by telephone, the Examiner is invited to call the undersigned attorney at the Examiner's earliest convenience.

INVITATION TO TELEPHONE CONFERENCE

In the event that the Examiner feels that there are remaining issues that may be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

SIERRA PATENT GROUP, LTD.



John W. Crosby
Reg. No. 49,058

Date: June 5, 2005

Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, Nevada 89449
Telephone: (775) 586-9500